

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTY KEMPER, PLAINTIFF,)	
)	
VS.)	CIVIL ACTION NO.:
)	4:09-cv-597
)	
)	JURY TRIAL DEMANDED
)	
ALLIED DATA CORPORATION DEFENDANT.)	UNLAWFUL DEBT COLLECTION PRACTICES
)	

COMPLAINT

I. INTRODUCTION

1. Plaintiff Christy A. Kemper alleges that Defendant committed unfair acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA"). Specifically, Defendant, through the actions of its employees, left messages on Plaintiff's residential phone voice message system in an attempt to collect on a consumer debt. The messages were false and deceptive in that they did not give the required disclosure regarding Defendant's status as a debt collector and that the communication was being made in an effort to collect a debt, and failed to provide meaningful information about Defendant's identity.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1337 and diversity of citizenship. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff is a natural person residing in the County of St. Louis, State of Missouri.

4. Defendant Allied Data Corporation (hereinafter referred to as ADC) is believed to be a Texas corporation operating from an address at 13111 Westheimer, 4th Floor, Houston, TX 77077, and doing business in the State of Missouri. Upon information and belief, ADC has no registered agent in the State of Missouri.

5. ADC is subject to the jurisdiction and venue of this Court.

6. ADC may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the State of Missouri on an authorized agent at its principle place of business, to wit : 13111 Westheimer, 4th Floor, Houston, TX 77077.

FACTUAL ALLEGATIONS

7. ADC uses telephone communications in its business.

8. The principle purpose of ADC's business is the collection of debts.

9. ADC regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.

10. ADC is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.

11. In the course of attempting to collect a debt allegedly due from Plaintiff to another business not a party to this litigation, ADC communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.

12. In the time spanning from October 1, 2008 through February 28, 2009, ADC left a series of voice messages on Plaintiff's residential phone voice message system.

13. In these telephone messages, ADC failed to give meaningful disclosure of its identity.

14. In these telephone messages, ADC did not state that the communication was from a debt collector.

15. In these telephone messages, ADC did not state that the communication was an attempt to collect a debt.

16. Defendant's communications violate the Fair Debt Collection Practices Act.

17. Plaintiff has complied with all conditions precedent to bring this action.

VIOLATIONS OF THE FDCPA

18. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

19. Defendant's actions violated the FDCPA. The violations include, but are not limited to, the following:

(a) Defendant violated 15 U.S.C. § 1692e(11) when it left voice messages on Plaintiff's residential phone voice message system which failed to indicate that the communications were from a debt collector;

(b) Defendant violated 15 U.S.C. § 1692e(11) when it left voice messages on Plaintiff's residential phone voice message system which failed to disclose that the communication was being made in an effort to collect on a debt;

(c) Defendant's actions violated 15 U.S.C. § 1692d(6) when it left voice messages on Plaintiff's residential phone voice message system which failed to provide meaningful disclosure of Defendant's identity;

20. As a result of the above violations of the FDCPA, the Defendant is liable to the Plaintiff for statutory damages, costs and attorney's fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

/s/ Christy Kemper
Christy Kemper

Respectfully submitted,

THE SWANEY LAW FIRM

/s/ Robert T. Healey
Robert T. Healey
EDMO # 3356; Missouri Bar #34138
Attorney at Law
3460 Hampton, Suite 205
St. Louis, MO 63139
rhealey@swaneylawfirm.com
telephone: (314) 481-7778
fax: (314) 481-8479